

EXHIBIT “4”

TROOPER ANDREW PHILLIPS
BRYSON V. ROUGH COUNTRY

April 26, 2023

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<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 NORTHERN DISTRICT OF GEORGIA</p> <p>3 GAINESVILLE DIVISION</p> <p>4</p> <p>5 SANTANA BRYSON and JOSHUA BRYSON,)</p> <p>6 As Administrators of the Estate of)</p> <p>7 C.Z.B., and as surviving parents)</p> <p>8 C.Z.B., a deceased minor,)</p> <p>9 Plaintiffs,)</p> <p>10 vs)Case No.:</p> <p>11 ROUGH COUNTRY, LLC,)2:22-CV-017-RWS</p> <p>12 Defendant.)</p> <p>13</p> <p>14</p> <p>15 STENOGRAPHIC & VIDEOGRAPHIC</p> <p>16 DEPOSITION OF TROOPER ANDREW PHILLIPS</p> <p>17 11:52 a.m.</p> <p>18 APRIL 26, 2023</p> <p>19</p> <p>20</p> <p>21</p> <p>22 BY: Susan Bell</p> <p>23 Certified Court Reporter, CSR, CCR#14</p>	<p>1 IT IS FURTHER STIPULATED AND AGREED</p> <p>2 that it shall not be necessary for any objection</p> <p>3 to be made by counsel as to any questions except</p> <p>4 as to form or leading questions, and that counsel</p> <p>5 for the parties may make objections and assign</p> <p>6 ground at the time of trial, or at the time said</p> <p>7 deposition is offered in evidence, or prior</p> <p>8 thereto.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
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<p>1 STIPULATIONS</p> <p>2 IT IS HEREBY STIPULATED AND AGREED,</p> <p>3 by and between the parties through the respective</p> <p>4 counsel that the deposition of TROOPER ANDREW</p> <p>5 PHILLIPS, a witness in the above-entitled cause,</p> <p>6 may be taken before Susan Bell, Certified Short-</p> <p>7 hand Reporter, REMOTELY VIA ZOOM, on the 26th of</p> <p>8 April, 2023, commencing at 11:52 a.m.</p> <p>9</p> <p>10 IT IS FURTHER STIPULATED AND AGREED</p> <p>11 that the signature to and the reading of the</p> <p>12 deposition by the witness is waived, the</p> <p>13 deposition to have the same force and effect as if</p> <p>14 full compliance had been had with all laws and</p> <p>15 rules of court relating to the taking of</p> <p>16 depositions.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 APPEARANCES</p> <p>2 FOR THE DEFENDANT:</p> <p>3 WEINBERG, WHEELER, HUDGINS</p> <p>4 GUNN & DIAL, LLC</p> <p>5 Ms. Lindsay G. Ferguson</p> <p>6 3344 Peachtree Street, NE, Suite 4200</p> <p>7 Atlanta, GA 30326</p> <p>8 (404)876-2700</p> <p>9 lferguson@wwhgd.com</p> <p>10</p> <p>11 FOR THE PLAINTIFFS:</p> <p>12 CANNELLA SNYDER, LLC</p> <p>13 Ms. Tedra L. Cannella</p> <p>14 315 Ponce de Leon Avenue, Suite 885</p> <p>15 Decatur, GA 30030</p> <p>16 (404)800-4828</p> <p>17 tedra@cannellasnyder.com</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

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<p>1 INDEX Page 5</p> <p>2 EXAMINATION BY: PAGE:</p> <p>3 Ms. Ferguson 8</p> <p>4 Ms. Cannella 65</p> <p>5 FURTHER EXAMINATION BY:</p> <p>6 Ms. Ferguson 84</p> <p>7</p> <p>8 EXHIBITS</p> <p>9 FOR THE DEFENDANT: PAGE:</p> <p>10 Exhibit Number 1 24</p> <p>11</p> <p>12 FOR THE PLAINTIFF: PAGE:</p> <p>13 Exhibit Number 1 72</p> <p>14 Exhibit Number 2 74</p> <p>15</p> <p>16</p> <p>17</p> <p>18 --o0o--</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>Page 7</p> <p>1 behalf of Defendant Rough County, LLC.</p> <p>2 MS. CANNELLA: Tedra Cannella on</p> <p>3 behalf of the Plaintiff, the Bryson family.</p> <p>4</p> <p>5 TROOPER ANDREW PHILLIPS, first</p> <p>6 having been duly sworn (affirmed) testified</p> <p>7 as follows:</p> <p>8</p> <p>9 MS. FERGUSON: This will be the</p> <p>10 Deposition of Trooper Andrew Phillips taken</p> <p>11 pursuant to subpoena, notice and agreement of</p> <p>12 counsel for all purposes allowed under the</p> <p>13 Federal Rules.</p> <p>14 I propose all objections except to</p> <p>15 the form of the question and responsiveness</p> <p>16 of the answer be reserved until such time as</p> <p>17 the first use of the deposition takes place.</p> <p>18 Is that agreeable?</p> <p>19 MS. CANNELLA: We (inaudible) on</p> <p>20 taking the (inaudible) Federal Rules of Civil</p> <p>21 Procedure.</p> <p>22 MS. FERGUSON: And so is it your</p> <p>23 intent to advance all of your objections</p>
<p>Page 6</p> <p>1 I, Susan Bell, Certified Shorthand</p> <p>2 Reporter, acting as commissioner, certify</p> <p>3 that there came before me REMOTELY VIA ZOOM</p> <p>4 on April 26th, 2023 at 11:52 a.m., TROOPER</p> <p>5 ANDREW PHILLIPS, witness in the above cause,</p> <p>6 for oral examination, whereupon the following</p> <p>7 proceedings were had:</p> <p>8</p> <p>9 TROOPER ANDREW PHILLIPS, first</p> <p>10 having been duly sworn (affirmed) and</p> <p>11 testified as follows:</p> <p>12</p> <p>13 VIDEOGRAPHER: Today's date is</p> <p>14 April 26th, 2023 and the time is now 11:52</p> <p>15 a.m.</p> <p>16 This will be the Videotaped</p> <p>17 Deposition of Trooper Andrew Phillips in the</p> <p>18 Matter of Santana Bryson versus Rough County</p> <p>19 taken at -- taken at 402 Bel -- Belwood Road,</p> <p>20 SE, Calhoun, Georgia, 30701</p> <p>21 Will counsel please identified</p> <p>22 yourselves for the record?</p> <p>23 MS. FERGUSON: Lindsay Ferguson on</p>	<p>Page 8</p> <p>1 today?</p> <p>2 MS. CANNELLA: No, just the ones</p> <p>3 that can be cured.</p> <p>4 MS. FERGUSON: Okay.</p> <p>5</p> <p>6 EXAMINATION BY MS. FERGUSON:</p> <p>7</p> <p>8 Q. So could you state your full name</p> <p>9 for the record, please?</p> <p>10 A. By name is Andrew Phillips.</p> <p>11 Q. And what is your date of birth?</p> <p>12 A. I'd prefer not to give that.</p> <p>13 Q. Would you mind telling us how old</p> <p>14 you are?</p> <p>15 A. I'm 39.</p> <p>16 Q. And the reason I'm asking some of</p> <p>17 these background questions is just, if this</p> <p>18 were ever played to the jury they -- they're</p> <p>19 entitled to know some information about you</p> <p>20 so they can evaluate your testimony.</p> <p>21 A. I -- I can explain why.</p> <p>22 Q. That's fine. No problem. Your</p> <p>23 age is -- is good enough for me.</p>

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<p style="text-align: right;">Page 9</p> <p>1 Have you ever given a deposition 2 before today? 3 A. Yes. 4 Q. How many times? 5 A. I think three. 6 Q. And have you -- 7 A. This is my fourth one. 8 Q. Have you ever given trial testi- 9 mony before? 10 A. Yes. 11 Q. How many times? 12 A. Roughly ten. 13 Q. So I understand you are pretty 14 familiar with the process. I'll just going 15 over some brief ground rules to help us move 16 along pretty quickly today. 17 Please let me know at any time 18 today if you don't understand one of my ques- 19 tions, if it's a bad question and it doesn't 20 make sense, and I'll try to rephrase it. 21 Let's try to make sure we don't 22 talk over each other; that is, let me finish 23 my question before you start your answer even</p>	<p style="text-align: right;">Page 11</p> <p>1 A. Gilmer County, Georgia. 2 Q. Do you have any plans to move away 3 from this area? 4 A. Not at the moment. 5 Q. Like I said just a minute ago, I'm 6 going to ask just a few background questions. 7 Where did you -- where were you 8 born? 9 A. I was born in Blairsville, 10 Georgia. 11 Q. Is that where you grew up? 12 A. Yes. 13 Q. Where did you go to high school? 14 A. Union County High School. 15 Q. What year did you graduate? 16 A. 2002. 17 Q. And did you attend college after 18 high school at all? 19 A. Yes. 20 Q. Where did you go? 21 A. Truett McConnell. 22 Q. Did you obtain a degree? 23 A. Yes, Associates Degree in general</p>
<p style="text-align: right;">Page 10</p> <p>1 if you think you know what I'm going to ask. 2 So let me get the question fully out because 3 we've got a court reporter on the Zoom typing 4 down everything we say. I want to make sure 5 it's taken down clearly and I will do my best 6 to make sure you have finished your answer 7 before I move on to my next question. 8 If you could, make sure to give a 9 verbal answers rather than just head shakes 10 so, again, the court reporter can hear you 11 and take down your answer accurately. 12 If you need to take a break at any 13 time, please let me know. I would just, if 14 there's a pending question, that you answer 15 the question that's pending and then we can 16 take a break. 17 We're going to try to get you out 18 of here as quickly as possible so hopefully 19 there won't be a big need for that but just 20 let me know if you need a break; all right? 21 A. Yes. 22 Q. What county and state do you 23 currently live in?</p>	<p style="text-align: right;">Page 12</p> <p>1 studies. 2 Q. Okay. What year did you get that 3 degree? 4 A. 2006. 5 Q. Where are you currently employed? 6 A. With the Georgia Department of 7 Public Safety. 8 Q. And are you part of the Georgia 9 State Patrol? 10 A. Yes. 11 Q. Are you part of any specialized 12 team for the Georgia State Patrol? 13 A. Yes, I am actually on the SCRT 14 team. That stands for Specialize Collision 15 Reconstruction Team; and that is here in 16 Troop A, which is based out of Calhoun, 17 Georgia. 18 Q. And how long have you worked for 19 Georgia State Patrol? 20 A. This August will be 13 years. 21 Q. And how long have you been a part 22 of the SCRT Team? 23 A. For five years, since March of</p>

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<p style="text-align: right;">Page 13</p> <p>1 2018.</p> <p>2 Q. And I don't want to spend much</p> <p>3 time on it; but, prior to starting work 13</p> <p>4 years ago for Georgia State Patrol, what did</p> <p>5 -- just very generally, what did you do for</p> <p>6 employment between college and starting in</p> <p>7 law enforcement?</p> <p>8 A. I worked at a golf course for a</p> <p>9 little bit. Then I worked for a bank as a</p> <p>10 teller. Then I worked as an operator for a</p> <p>11 construction company.</p> <p>12 Q. Is that an equipment operator?</p> <p>13 A. Yeah. Grading company, I should</p> <p>14 say that.</p> <p>15 Q. The way I asked it, I assumed that</p> <p>16 you hadn't worked in other law enforcement</p> <p>17 jobs before Georgia State Patrol; but I don't</p> <p>18 know that.</p> <p>19 So have you had any other jobs --</p> <p>20 A. No.</p> <p>21 Q. Okay. So Georgia State Patrol is</p> <p>22 your first law enforcement job and that was</p> <p>23 August 13 years ago?</p>	<p style="text-align: right;">Page 15</p> <p>1 We do courtroom present -- presentation. We</p> <p>2 do firearms.</p> <p>3 We do -- we do extensive firearms</p> <p>4 training and extensive training in driving.</p> <p>5 There's a lot of defensive tactics training</p> <p>6 in there and there's also accident recon-</p> <p>7 struction training in there.</p> <p>8 Q. With regard to traffic law classes</p> <p>9 what are they covering generally in those</p> <p>10 kind of classes?</p> <p>11 A. Just -- just trying to go over the</p> <p>12 40 codes of the -- the law book.</p> <p>13 We do a lot of DUI -- there's a</p> <p>14 portion of -- of the training that's -- as</p> <p>15 far as field sobriety to get Field Sobriety</p> <p>16 Certified, to get Radar and Light Certified</p> <p>17 as well.</p> <p>18 Q. Okay. Did they cover things like</p> <p>19 various laws you can pull a driver over for</p> <p>20 and inspect them on the roadway?</p> <p>21 A. Yes and no. Mainly we learned</p> <p>22 that in field training and when we're with</p> <p>23 our field training officer.</p>
<p style="text-align: right;">Page 14</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Can you describe for me the</p> <p>3 training that you had to go through to become</p> <p>4 a Georgia State Patrol Trooper when you first</p> <p>5 joined?</p> <p>6 A. Yes. I joined in 2010 as a radio</p> <p>7 operator and then in April of 2011 I started</p> <p>8 Trooper School. That Trooper School lasted</p> <p>9 until November of 2011, which I think that's</p> <p>10 33 weeks, roughly seven months.</p> <p>11 Q. Where did that take place?</p> <p>12 A. At GPSTC, Georgia Public Safety</p> <p>13 Training Center in -- for South Georgia.</p> <p>14 I can't tell you the exact hours</p> <p>15 the whole school is but it's -- like I said,</p> <p>16 it's -- it was about 33 weeks.</p> <p>17 Q. Just generally, can you describe</p> <p>18 for me the kinds -- the subject areas that</p> <p>19 are generally covered during that 33-week</p> <p>20 training?</p> <p>21 A. We do the -- one month of mandate</p> <p>22 training as far as Crim -- Georgia Criminal</p> <p>23 Law. We do all types of traffic law classes.</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. And when did that take place in</p> <p>2 relation to your 2011 Trooper School?</p> <p>3 A. We spend -- we spend four months</p> <p>4 at the Training Center doing the academy por-</p> <p>5 tion and then we go three months out in the</p> <p>6 field, three --- one month at a time with a</p> <p>7 field training officer; and then we -- when</p> <p>8 that month is over, we switch to a different</p> <p>9 field -- FTO officer; and then for the third</p> <p>10 month we do the same and then we come back</p> <p>11 and graduate.</p> <p>12 Q. And then -- so after you graduated</p> <p>13 from Trooper School up until you joined the</p> <p>14 SCRT Team -- I want to talk about the SCRT</p> <p>15 Team training separately; but -- so, from the</p> <p>16 time you finished Trooper School up until the</p> <p>17 point right before you joined -- joined the</p> <p>18 SCRT Team, would you have annual trainings,</p> <p>19 periodic trainings, thing like that?</p> <p>20 A. We -- we're man -- mandate to go</p> <p>21 through -- do, of course, our firearms, we do</p> <p>22 that twice a year.</p> <p>23 I think we do driving -- maybe a</p>

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<p style="text-align: right;">Page 17</p> <p>1 driving simulator. We would do driving simu- 2 lator maybe a year -- year or two and then 3 we'd actually go down to the Training Center 4 on the driving track and maybe do driving 5 training in a live actual car. 6 We do pursuit liability and do -- 7 do regard training twice a year and that's 8 pretty much the -- the automatic training 9 that we have to do every single year. 10 Q. And what about when -- did you 11 apply to join the -- the SCRT Team -- 12 A. Yes. 13 Q. -- or did they ask you? 14 A. Yes. 15 Q. You applied? 16 A. Yes. 17 Q. And, once you were accepted onto 18 the SCRT Team, what additional training did 19 you go through at that point? 20 A. To -- to actually -- to get quali- 21 fied to even be considered for the SCRT Team 22 you have to have all seven levels of accident 23 reconstruction and that is On The Scene 1 and</p>	<p style="text-align: right;">Page 19</p> <p>1 that about? 2 A. It's about like a person's -- how 3 a person perceives a threat. 4 Say, like a pedestrian walking out 5 in the road, how they see them, perceive them 6 in the road, and how they react. So it's to 7 do -- it's a lot to do with reaction times on 8 all different types of -- of collisions and a 9 pedestrian in the road. 10 Q. I know this is a broad question 11 but can you just generally tell me about what 12 your job responsibilities are now as a troop- 13 er for SCRT? 14 A. It's still to -- mainly for SCRT 15 we are here to assist with -- with our field 16 troopers and investigate and document all of 17 the evidence pertaining to a serious injury 18 or fatality crash and see it through through 19 the prosecution if there is such prosecution. 20 Q. Over the course of your employment 21 with Georgia State Patrol, so that would be 22 dating back to the beginning, can you give 23 me just a ballpark number of the fatality</p>
<p style="text-align: right;">Page 18</p> <p>1 2 and then Recon 1 through 5. So you have to 2 have those completed before you can apply to 3 be on the SCRT Team. 4 And then, after -- after you're 5 selected and you're on the SCRT Team, there 6 is an extensive amount of training that we go 7 through. We have to go through a photography 8 class, evidence presentation, yeah, evidence 9 presentation, a CDR tech class, a CDR analyst 10 class, motorcycle reconstruction, pedestrian 11 reconstruction, crime scene, human factors. 12 There's a whole list. 13 Q. And is -- is all of that training 14 done on the front end before you're a member 15 of the SCRT Team? 16 A. My first day at the SCRT Office 17 we -- my supervisor put in for seven or eight 18 classes and I just got them throughout the 19 next year that I was on there, but we are 20 actually -- we're active -- actively working 21 cases as -- as soon as we get there. 22 Q. Tell me a little about the human 23 factors training that you received. What is</p>	<p style="text-align: right;">Page 20</p> <p>1 accidents you have responded to as a trooper? 2 A. The whole 13 years that I have 3 responded to -- I'm trying to do quick addi- 4 tion in my head. 5 I would say it's approximately 300 6 to 400 that I've responded to that. That's 7 not the ones I've actually worked myself or, 8 you know, did a case file on as far as being 9 a part of SCRT. 10 Q. And, before you even became part 11 of SCRT, would you have been -- you wouldn't 12 have been the lead investigator on -- for 13 like a SCRT report like we're going to talk 14 about for today? 15 A. No. 16 Q. So, once you joined SCRT, how many 17 times would you estimate that you've been -- 18 just first responded to a fatality accident? 19 A. Before I joined SCRT, I kind of -- 20 it's kind of weird, it's going to even number 21 but I worked 1,000 crashes on the road where 22 I did a report myself. 23 Of those, I would say maybe 30 of</p>

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<p style="text-align: right;">Page 21</p> <p>1 them were fatalities that I worked myself but 2 also assisted in many more that -- that were 3 not mine that I did not complete the report 4 on. 5 Q. Before you joined SCRT, you worked 6 1,000 crashes on the roadways? 7 A. Yes. 8 Q. That could've been -- 9 A. A fender bender in a parking lot 10 or a fender bender on the road or somebody 11 pulled out in front of somebody, yes. 12 Q. And, of those 1,000 before SCRT, 13 30 happened to be fatalities? 14 A. Yes. 15 Q. So, then, once you've been with 16 SCRT -- I know earlier you estimated you have 17 worked 300 to 400 fatalities over the course 18 of your career. So that -- would that be the 19 -- basically the balance -- after the 30, the 20 balance would be since you've been with SCRT? 21 A. Yes. 22 Q. That's a convoluted question. Did 23 it make sense?</p>	<p style="text-align: right;">Page 23</p> <p>1 include serious injury as opposed to fatality 2 or would those all be fatality? 3 A. That's -- that's going off of 100 4 cases a year of us having three people on a 5 team, what I've always been a part of. 6 So it's a little over 30 cases a 7 year and some of them are serious injury and 8 some of them -- but the majority of them are 9 fatality crashes. 10 I know that's a lot of different 11 numbers. 12 Q. That's okay. I think my chicken 13 scratch over here I think I've got an idea of 14 the numbers. Thank you. 15 What about for this year? We're 16 in late April of 2023. Could you estimate -- 17 how many fatalities have you been a lead 18 investigator on this year? 19 A. This year? Approximately 4 to 5 20 this year so far. 21 Q. And do you regular like draft SCRT 22 reports as part of your job? 23 A. Yes.</p>
<p style="text-align: right;">Page 22</p> <p>1 A. The balance of -- 2 Q. Well, let me just break it down 3 like this. So you worked you think 30 fatal- 4 ity accidents prior to joining SCRT, and how 5 many fatalities have you worked since you 6 joined SCRT? 7 A. Where I've -- where I've been the 8 actual lead investigator? 9 Q. I want to ask responded to and 10 also as a lead. First responded to. 11 A. What I've been a part of or helped 12 in some way is probably -- probably close to 13 the 400 mark because we worked typically -- 14 when I was out of the Gainesville office and 15 here, we worked typically -- typically have 16 at least 100 cases a year. 17 Q. And, as far as a number -- a ball- 18 park number is fine -- where you have been 19 the lead investigator for SCRT on a fatality 20 accident? 21 A. Roughly, 150 where I've been the 22 lead investigator. 23 Q. Okay. And could some of those 150</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. I've marked what's in front of you 2 here as Defendant's Exhibit 1. 3 Do you recognize this document? 4 (Defendant's Exhibit Number 1 was 5 marked for identification.) 6 A. Yes. 7 Q. Can you tell me what it is? 8 A. This is my completed SCRT report. 9 Q. Is this in regards to a fatality 10 accident that happened on March 15th, 2020 at 11 approximately 11:15 p.m.? 12 A. Yes. 13 Q. The accident -- and correct me if 14 I'm wrong -- occurred at the intersection of 15 Georgia 2 with Georgia 5, also known as Blue 16 Ridge Drive? 17 A. Yes. 18 Q. Okay. And, obviously, feel free 19 to flip through this but do you recognize the 20 document as the report that you prepared in 21 regard to your investigation of a fatality 22 motor vehicle accident involving a minor two- 23 year-old, Cohen Bryson?</p>

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<p style="text-align: right;">Page 25</p> <p>1 A. Yes.</p> <p>2 Q. Do you have a specific memory of</p> <p>3 investigating that accident?</p> <p>4 A. Yes.</p> <p>5 Q. The accident, as you can see on</p> <p>6 the cover page, happened on March 15th, 2020;</p> <p>7 and when would you have drafted that report?</p> <p>8 A. I do not know the specific date of</p> <p>9 when I completed this report.</p> <p>10 Q. Would it have been drafted over a</p> <p>11 period of time?</p> <p>12 A. Yes.</p> <p>13 Q. And, when you drafted it, were you</p> <p>14 familiar with the facts and circumstances of</p> <p>15 the accident?</p> <p>16 A. Yes.</p> <p>17 Q. And as part of your investigation</p> <p>18 did you go to the scene of the accident at</p> <p>19 any time?</p> <p>20 A. Yes.</p> <p>21 Q. Do you remember how many times?</p> <p>22 A. Well, I mean, I -- that's -- I</p> <p>23 drive through there -- back then I would --</p>	<p style="text-align: right;">Page 27</p> <p>1 where the accident occurred as part of your</p> <p>2 work for the investigation?</p> <p>3 A. Probably three or four times,</p> <p>4 five.</p> <p>5 Q. Is this the type of report that</p> <p>6 you draft within the normal scope of your job</p> <p>7 with SCRT?</p> <p>8 A. Yes.</p> <p>9 Q. Is this type of report kept in the</p> <p>10 ordinary course of your business as a trooper</p> <p>11 with SCRT?</p> <p>12 A. Yes.</p> <p>13 Q. Is it your regular practice to</p> <p>14 draft reports like this one after incidents</p> <p>15 like the case we're here to talk about today?</p> <p>16 A. Yes.</p> <p>17 Q. And does this report accurately</p> <p>18 reflect SCRT's investigation of the fatality</p> <p>19 accident that we're here to talk about today</p> <p>20 that occurred on March 15th, 2020?</p> <p>21 A. Yes.</p> <p>22 Q. My plan is to walk through not all</p> <p>23 of it but some of the SCRT report and ask you</p>
<p style="text-align: right;">Page 26</p> <p>1 when I was on the road, I would drive through</p> <p>2 there two -- two or three times a day. So</p> <p>3 -- but this particular one I probably drove</p> <p>4 through there five or six times during the</p> <p>5 course of it.</p> <p>6 Q. And I guess what I meant with my</p> <p>7 question --</p> <p>8 A. Examining the evidence? Is that</p> <p>9 what you're talking about?</p> <p>10 Q. Right. Going for purposes of this</p> <p>11 case did you go to the scene of the accident?</p> <p>12 A. I -- the -- on the scene the --</p> <p>13 the night that it happened, I did not go to</p> <p>14 the scene. It would've been after the fact</p> <p>15 of just looking at the roadway evidence and</p> <p>16 taking aerial photographs with a drawing.</p> <p>17 Q. And -- but when you went the time</p> <p>18 that you just referenced, it was as part of</p> <p>19 your investigation for this case?</p> <p>20 A. Yes. Yes.</p> <p>21 Q. And -- and so I just -- you may</p> <p>22 have answered this but, to clarify, how many</p> <p>23 times do you think you went to the scene</p>	<p style="text-align: right;">Page 28</p> <p>1 some questions. You may remember some the</p> <p>2 things I ask offhand. Other things you may</p> <p>3 not remember. So feel free to look at the</p> <p>4 report to refresh your recollection if you</p> <p>5 need to. Sometimes I may point you to a</p> <p>6 certain page where I have a question.</p> <p>7 If you'll turn to -- and I'm using</p> <p>8 the page numbers on the bottom right corner.</p> <p>9 The total number is 195. If you'll turn to</p> <p>10 page 3 of 195, please, in your report.</p> <p>11 A. Okay.</p> <p>12 Q. I'm sorry, page 4 of 195.</p> <p>13 Based on the information on this</p> <p>14 page, I believe you were the lead investigat-</p> <p>15 or for this accident?</p> <p>16 A. Yes.</p> <p>17 Q. And, when I say "this accident,"</p> <p>18 we already -- we already said that it was a</p> <p>19 fatality accident involving Cohen Bryson.</p> <p>20 Do you understand the -- he was in</p> <p>21 the vehicle with his parents, Santana Bryson</p> <p>22 and Joshua Bryson?</p> <p>23 A. Yes.</p>

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<p style="text-align: right;">Page 29</p> <p>1 Q. And I had the chance to depose 2 the Brysons the week before last and Joshua 3 Bryson grew up in Blairsville and I believe 4 went to the same high school where you went 5 to school. 6 Did you know either of the Brysons 7 before this accident? 8 A. No. 9 Q. Did you know any of their cousins, 10 mom, dad, family members? 11 A. I think I graduated with a female 12 that was in their family but never talked to 13 her about -- about this. 14 Q. Do you -- what's her name? 15 A. Erin. I can't remember her last 16 name now but Erin is the only -- if you can 17 give me a minute I might -- it might come to 18 me. Erin Thompson. That's it. 19 Q. Erin Thompson? 20 A. Yeah, that was her maiden name. 21 Q. Okay. Do you think she might've 22 been Joshua Bryson's older sister? 23 A. No, because the Erin that -- that</p>	<p style="text-align: right;">Page 31</p> <p>1 A. Yes. 2 Q. So would you have had over the 3 course of your investigation conversations 4 with Trooper Matheson about what occurred 5 at the scene, what he observed, things like 6 that? 7 A. Yes. 8 Q. And, if you could, turn please to 9 page 14 of your SCRT report. 10 A. Okay. 11 Q. And it looks like from page 14 to 12 20 is a typed Investigative Summary; is that 13 correct? 14 A. Yes. 15 Q. Obviously, I can read the title 16 and I understand what those words mean but 17 can you just describe in a little more detail 18 what this is meant to be? 19 A. This is just a -- just a summary 20 of the investigation that I had into this 21 collision. 22 Q. Okay. So the information that is 23 contained in this summary, is it from all the</p>
<p style="text-align: right;">Page 30</p> <p>1 I graduated with, I think she was an only 2 child. 3 Q. Okay. Related somehow you think? 4 A. I think so some -- somehow by kin 5 or by marriage. 6 Q. And Santana and Josh are married 7 now. At the time of the accident they were 8 not married and Santana's name was Santana 9 Sherri Kelley. 10 Did you know -- to your knowledge, 11 did you know her or any of her family members 12 at the time of the accident? 13 A. I think it was -- going back, I 14 don't think it was -- it might not have been 15 him but it might have been -- it was one of 16 them. I don't know exactly which one them 17 that -- Erin came in the picture there but it 18 was one of them. 19 Q. Looking back on page 4 of your 20 SCRT report, it looks like Trooper Matheson 21 was -- he was the primary responding officer 22 that came to the scene on the night of the 23 accident?</p>	<p style="text-align: right;">Page 32</p> <p>1 -- the evidence gathered, witness statements 2 gathered, evidence collected, things like 3 that? 4 A. Yes. 5 Q. And, if you can turn to page 16, 6 please. About halfway down the page I'm just 7 going to read a sentence and then I have some 8 questions to ask you about it, starting with 9 "As." "As is every motor vehicle collision, 10 there are three (3) elements that must be 11 addressed; the roadway, the vehicle(s), and 12 the human factor." 13 Is that something that you were 14 trained on over the course of the training 15 you went through to become a SCRT member? 16 A. Yes. 17 Q. Then the next sentence says: "The 18 first area to be addressed is the roadway 19 element;" right? 20 A. Yes. 21 Q. And, just generally, can you tell 22 me what your findings were with regard to the 23 roadway?</p>

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<p style="text-align: right;">Page 33</p> <p>1 A. This -- this collision happened on 2 Georgia 2, which is also Georgia 515 as well. 3 It is a four-lane divided highway. 4 It's divided by a grass median to the east of 5 this -- this collision on the right at the 6 collision. It was -- it was at a red light 7 traffic control device. There were four lane 8 -- actually five lanes with the center left 9 turn lane. 10 They -- both the vehicles were 11 traveling west on 515, Georgia 2, and they 12 were -- they were both in the left lane. 13 Ms. Kelley, at the time, she was 14 driving a Ford Escape and it was stopped at 15 the -- the red light in the left lane and 16 Mr. Elliott, he was driving a F -- a Ford 17 F-250 and it was traveling at the -- in the 18 left lane as well. 19 The stretch -- the -- the speed 20 limit on this stretch of Georgia 2 is 45. I 21 know it says in here "55," but it -- it is -- 22 it is 45 in that stretch of 515. 23 Q. And, if you look -- I'm going to</p>	<p style="text-align: right;">Page 35</p> <p>1 analyzed was the vehicles; correct? 2 A. Yes. 3 Q. The F-250 and then the Escape. 4 And what was your conclusion as to 5 whether the vehicles were a proximate cause 6 of the collision? 7 A. No, the vehicles did not cause the 8 collision. 9 Q. And then the next -- sorry -- the 10 next factor that you analyzed was the human 11 factor or the drivers; is that right? 12 A. Yes. 13 Q. You said -- I know I briefly asked 14 you earlier what is meant by that. 15 What were you doing for this case 16 for the human factor analysis? 17 A. Just like in every case we're just 18 doing the human factors. 19 We're trying to find out you know 20 what was the drivers' and everybody involved 21 actions prior to the -- the collision whether 22 we -- we find out, you know, if their license 23 were good, if -- what kind of license they</p>
<p style="text-align: right;">Page 34</p> <p>1 come back to this but, if you look quickly at 2 page 35 of your report, the title of the page 3 is "Roadway Information"? 4 A. Yes. 5 Q. And, down toward the bottom of 6 the page, is the correct speed limit listed 7 there? 8 A. Yes. 9 Q. And the speed limit listed is 45? 10 A. Yes. 11 Q. So that's the actual speed limit? 12 A. Yes. 13 Q. So it was just a -- 14 A. That was -- 15 Q. -- typo or -- 16 A. That was -- that was an error on 17 my part, yes. 18 Q. What was your conclusion as to 19 whether the roadway was a proximate cause of 20 the -- of the collision? 21 A. It didn't -- it didn't cause the 22 collision to occur. 23 Q. And then the next element that you</p>	<p style="text-align: right;">Page 36</p> <p>1 had, what type. 2 If they -- if they were under the 3 influence of any alcohol or drugs, we do find 4 out what those levels are. 5 Q. What was determined as far as the 6 human factors that affected Hunter Elliott's 7 driving? 8 A. He was -- he was under the influ- 9 ence of alcohol notated by his blood results 10 in the case file. 11 He was -- he was also distracted. 12 He was -- he admitted and it was found later 13 that he did -- or -- or was on his cell phone 14 FaceTiming his fiancée at the time of the -- 15 of the collision. 16 Q. And -- and the level -- the blood 17 draw for the blood alcohol, the level was 18 .252? 19 A. Yes. 20 Q. And this -- your report indicates 21 that was taken at 1:42 a.m.? 22 A. Yes. 23 Q. So the accident I will represent</p>

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<p style="text-align: right;">Page 37</p> <p>1 to you happened about 11:15 p.m.</p> <p>2 So the blood draw was over two --</p> <p>3 two and a half hours after the accident;</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. Would his blood alcohol level have</p> <p>7 been higher had the blood draw been closer in</p> <p>8 time to the actual accident?</p> <p>9 A. Yes.</p> <p>10 Q. And is that over the legal limit?</p> <p>11 A. Yes.</p> <p>12 Q. How much over the legal limit?</p> <p>13 A. About a little over 3 times.</p> <p>14 Q. And then there's a little bit of</p> <p>15 information about the human factor analysis</p> <p>16 for Santana Kelley, and can you tell me what</p> <p>17 you determined for her?</p> <p>18 A. That she -- that she was stopped</p> <p>19 at the red light in the left lane on Georgia</p> <p>20 2. She had a valid Class C license and then</p> <p>21 she was transported to Erlanger Hospital for</p> <p>22 serious injuries along with her baby that she</p> <p>23 was pregnant with.</p>	<p style="text-align: right;">Page 39</p> <p>1 the page, what was your conclusion about the</p> <p>2 proximate cause of the accident?</p> <p>3 A. That Mr. Hunter Elliott operated</p> <p>4 is vehicle in a reckless and unsafe manner</p> <p>5 while under the influence of alcohol.</p> <p>6 Q. And what else did you determine as</p> <p>7 far as what his actions resulted in?</p> <p>8 A. He -- his -- Mr. Elliott's actions</p> <p>9 were the direct cause or the -- sorry -- the</p> <p>10 direct result of the death of Cohen Bryson.</p> <p>11 Q. And did you base your conclusion</p> <p>12 as to the proximate cause of the accident on</p> <p>13 your investigation of the accident, gathering</p> <p>14 facts, gathering evidence, interviewing of</p> <p>15 witnesses, and then also communicating with</p> <p>16 other members of the SCRT Team?</p> <p>17 A. Yes.</p> <p>18 Q. And then if you could turn to</p> <p>19 quickly the scaled diagram at page 21 through</p> <p>20 26.</p> <p>21 A. Okay.</p> <p>22 Q. Did you create these?</p> <p>23 A. Yes.</p>
<p style="text-align: right;">Page 38</p> <p>1 Q. And did Mr. Elliott have a valid</p> <p>2 driver's license?</p> <p>3 A. No, they were suspend -- they were</p> <p>4 suspended.</p> <p>5 Q. And then looking at page 19, about</p> <p>6 halfway down, and I'm just reading from the</p> <p>7 middle of the report, "Based on the analysis</p> <p>8 and review of the evidentiary materials and</p> <p>9 interviewing some of the drivers and witnes-</p> <p>10 ses involved in the collision, the following</p> <p>11 facts and conclusions are offered."</p> <p>12 Did you eventually come to the</p> <p>13 conclusion Ms. Kelley was, in fact, stopped</p> <p>14 at a stoplight --</p> <p>15 A. Yes.</p> <p>16 Q. -- when the accident occurred?</p> <p>17 A. Yes.</p> <p>18 Q. Just try to let me finish the</p> <p>19 question.</p> <p>20 A. I'm sorry.</p> <p>21 Q. I'm not trying to be mean. I just</p> <p>22 want a clear record.</p> <p>23 And looking down just further down</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. What's the purpose of these?</p> <p>2 A. Well, we -- we always do -- we</p> <p>3 always do forensic mapping of -- of every</p> <p>4 scene that we do to this magnitude and this</p> <p>5 is our forensic mapping.</p> <p>6 Q. And then if you could turn to page</p> <p>7 35.</p> <p>8 A. Okay.</p> <p>9 Q. Roadway Information is listed on</p> <p>10 this page and -- and, just to clarify, you</p> <p>11 did not find -- or, correct me if I'm wrong;</p> <p>12 but you did not find that there was anything</p> <p>13 with the roadway that contributed to causing</p> <p>14 this accident?</p> <p>15 A. No.</p> <p>16 Q. Is that correct?</p> <p>17 A. That's correct.</p> <p>18 Q. Then, turning to page 37 and 38,</p> <p>19 this is the Driver 1, Hunter Elliott.</p> <p>20 And what did you determine as far</p> <p>21 as his driver's attitude contributing to the</p> <p>22 collision?</p> <p>23 A. That he was driving under the</p>

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<p style="text-align: right;">Page 41</p> <p>1 influence of alcohol.</p> <p>2 Q. And then what about with regard to</p> <p>3 the use of the phone?</p> <p>4 A. Yeah, he stated that he was on a</p> <p>5 -- FaceTiming his fiancé at the time.</p> <p>6 Q. And did you determine that to be</p> <p>7 another contributing factor?</p> <p>8 A. Yes.</p> <p>9 Q. I want to move to the Vehicle 1</p> <p>10 Information, which starts around page 69, I</p> <p>11 believe.</p> <p>12 Vehicle 1 would be the Ford F-250</p> <p>13 Mr. Elliott was driving; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Can you tell me what -- on page 73</p> <p>16 what is the information that starts on that</p> <p>17 page?</p> <p>18 A. This is the CDR Bosch Report from</p> <p>19 that -- Hunter Elliott's F-250.</p> <p>20 Q. And have you ever done a Bosch CDR</p> <p>21 download before?</p> <p>22 A. Yes.</p> <p>23 Q. Did you do the one for the F-250?</p>	<p style="text-align: right;">Page 43</p> <p>1 quantify how many bigger?</p> <p>2 A. I do not.</p> <p>3 Q. Do you have an understanding of</p> <p>4 how a bigger tire affects a vehicle's speed-</p> <p>5 omeeter speed reading versus the actual speed</p> <p>6 of that vehicle?</p> <p>7 A. Very little.</p> <p>8 When we -- normally we do -- when</p> <p>9 we do these we -- we have a website that we</p> <p>10 go on and it calculates it for us. We put in</p> <p>11 the recommended tire size and then we put in</p> <p>12 the actual tire size on the vehicle and it</p> <p>13 tells us what -- if there's a difference in</p> <p>14 the -- in the speedometer with the actual</p> <p>15 tires on it.</p> <p>16 Q. You say "very little" but which</p> <p>17 way does it -- does it impact it?</p> <p>18 A. Are you talking about on this</p> <p>19 particular one?</p> <p>20 Q. Yeah. If you have a bigger tire</p> <p>21 than what's recommended, how does that impact</p> <p>22 the actual speed versus what the speedometer</p> <p>23 says?</p>
<p style="text-align: right;">Page 42</p> <p>1 A. No. My Corporal Jeremy Allison</p> <p>2 did it.</p> <p>3 Q. Okay. Were you --</p> <p>4 A. I was present at the time.</p> <p>5 Q. You were present when he did it?</p> <p>6 A. Yes.</p> <p>7 Q. On page 73, under the box that</p> <p>8 says "CDR File Information, there's a heading</p> <p>9 "Comments."</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. And I'm just going to read two</p> <p>13 sentences under there. It first starts "Data</p> <p>14 Imaged through DLC. Recommended tire size</p> <p>15 LT275/65R20E. Tire size on vehicle LT325/</p> <p>16 50R22."</p> <p>17 Did I read that right?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know if the tire size on</p> <p>20 the vehicle was bigger than the recommended</p> <p>21 tire size?</p> <p>22 A. Yes, it was.</p> <p>23 Q. Do you -- do you know -- can you</p>	<p style="text-align: right;">Page 44</p> <p>1 A. It -- it would impact it a little</p> <p>2 bit, yes. I mean, it varies -- it varies.</p> <p>3 It just depends on the size of the tire.</p> <p>4 Like if you have an enormous big-</p> <p>5 ger tire on -- on there than recommended, it</p> <p>6 may impact it -- it may impact it 5 to 10</p> <p>7 miles an hour; but, if it's relatively close</p> <p>8 in -- to the same size, it may not affect it</p> <p>9 as much as that.</p> <p>10 Q. So are you saying -- what I guess</p> <p>11 I'm trying to understand is, was the actual</p> <p>12 speed, when you say "5 to 10 miles an hour,"</p> <p>13 faster or slower than --</p> <p>14 A. Faster.</p> <p>15 Q. Faster.</p> <p>16 A. Yes.</p> <p>17 Q. Than what you would be reading on</p> <p>18 the speedometer?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. If you could turn to page</p> <p>21 78, please.</p> <p>22 A. Okay.</p> <p>23 Q. And we are still on the -- the</p>

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<p style="text-align: right;">Page 45</p> <p>1 Bosch CDR download and I'm looking at the 2 table. 3 Do you recognize what that table 4 shows? 5 A. Yes. 6 Q. Okay. Kind of explain to me what 7 -- looking at the time in seconds and then 8 the -- just take the first column. We can 9 kind of walk across the table, what this 10 shows as far as time and the speed of the 11 vehicle and what this means. 12 A. All right. So, on the far left is 13 time in seconds and it starts -- do you want 14 me to wait on you? 15 At the column on the far left is 16 the time in seconds. It starts at 5 seconds. 17 It's a negative 5. That means it's prior to 18 airbag deployment. It starts at 5 seconds 19 and it goes down to 0 in increments of a half 20 a second. So it starts at negative 5 seconds 21 to negative 4.5 to 4, so on and so forth 22 until we get to 0. 23 Q. Let me just ask you one question</p>	<p style="text-align: right;">Page 47</p> <p>1 A. 52 miles an hour. 2 Q. And then, at the point of impact, 3 how fast was he driving? 4 A. 50 miles an hour. 5 Q. And then, moving over to the one 6 column to the right, Accelerator Pedal % Full, 7 does this show that he had his -- his foot on 8 the pedal -- on the accelerator up until the 9 point of impact or took it off just prior to 10 the impact? 11 A. Half a second prior to the impact. 12 At half a second prior to impact, it shows 13 that he was traveling 51 miles an hour and he 14 had 22.9 percent of the pedal pressed. 15 And, since this is half a second, 16 he could have released the pedal and got on 17 his brakes, which is the fourth column, at 18 0.499999. 19 It just -- I don't know with what 20 -- what particular time in that half a second 21 that he put his brakes on and he dropped down 22 1 mile an hour. 23 Q. Sometime between impact and half a</p>
<p style="text-align: right;">Page 46</p> <p>1 there. You're saying 5 seconds before airbag 2 deployment? 3 A. Yes. 4 Q. So would that be at the actual 5 time -- airbag deployment at the actual time 6 of impact? 7 A. In this particular case, yes, it 8 is. 9 Q. Okay. I just wanted to clarify 10 that. You can keep going. 11 A. We -- we say that because it's not 12 always -- airbag deploys -- airbag deploying 13 does not always happen when the two vehicles 14 collide, if that makes sense. 15 Q. So then how do you know for this 16 case that it happened at the time of impact? 17 A. Due to the fact that it was a 18 frontal impact and that was the first thing 19 that he did strike, was the rear-end of the 20 Ford Escape. 21 Q. Just to speed this up a little 22 bit, so, as far as 5 seconds before impact, 23 how fast was Mr. Elliott driving?</p>	<p style="text-align: right;">Page 48</p> <p>1 second before? 2 A. Correct. 3 I hope I made sense by saying 4 that. 5 Q. Yeah. Sure. 6 What does the Engine RPM column -- 7 what does that tell us? 8 A. Oh, that's just how much RPMs the 9 engine was putting out during that 5 seconds. 10 Q. The ABS column, that was never 11 engaged? 12 A. Correct, it was not. 13 Q. What does Brake Powertrain Torque 14 Request, what does that mean? 15 A. I could go back and look at this. 16 Q. You know what, it doesn't matter. 17 "Driver Gear Selection," "Drive," 18 does that just mean the gear is actually in 19 drive -- 20 A. Yes. 21 Q. -- for this 5 seconds? 22 A. Yes. 23 Q. And then, looking at page 79, at 5</p>

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<p style="text-align: right;">Page 49</p> <p>1 seconds before impact, looking at the Steer-</p> <p>2 ing Wheel Angle and Degrees, it shows "0" it</p> <p>3 looks like all the way down the page; is that</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. Does that mean that there was zero</p> <p>7 input in the 5 seconds before the impact?</p> <p>8 A. That's what it appears to be.</p> <p>9 Q. Based on your experience investi-</p> <p>10 gating these kinds of accidents that might</p> <p>11 involve DUI and driver distraction on a phone</p> <p>12 would -- would zero input be consistent with</p> <p>13 someone that's drunk driving and FaceTiming</p> <p>14 at the same time?</p> <p>15 A. Zero? No.</p> <p>16 Q. No?</p> <p>17 A. No.</p> <p>18 Q. What do you think that means?</p> <p>19 A. That part, since it's zero for 5</p> <p>20 seconds and it's going every 10th of a second</p> <p>21 the ACMs could -- they -- they do give errors</p> <p>22 a lot that could be an error in that.</p> <p>23 Q. For Stability Control Lateral</p>	<p style="text-align: right;">Page 51</p> <p>1 limitations here.</p> <p>2 It is not showing what it is on</p> <p>3 here.</p> <p>4 Q. And is it -- you tell me. Is it</p> <p>5 accurate to say that this chart shows that</p> <p>6 there's no significant driver input in the</p> <p>7 last 5 seconds before impact?</p> <p>8 A. Yes.</p> <p>9 Q. If you could, turn to page 110 and</p> <p>10 111.</p> <p>11 A. Okay.</p> <p>12 Q. Really, it's 111.</p> <p>13 Vehicle Information for the Ford</p> <p>14 Escape that the Brysons were in?</p> <p>15 A. Yes.</p> <p>16 Q. Do you see that?</p> <p>17 And then, looking down toward the</p> <p>18 bottom of the page, I'm just going to read</p> <p>19 what this one says. "This vehicle was not</p> <p>20 equipped with a readable ACM information."</p> <p>21 What does "ACM" stand for?</p> <p>22 A. Airbag Control Module.</p> <p>23 Q. Did you make that determination?</p>
<p style="text-align: right;">Page 50</p> <p>1 Acceleration, that number looks like it's</p> <p>2 hovering fairly close to zero throughout</p> <p>3 those 5 seconds?</p> <p>4 A. Yes.</p> <p>5 Q. So what does that indicate?</p> <p>6 A. The lat -- it just means how much</p> <p>7 acceleration in -- in Gs the vehicle moved</p> <p>8 laterally.</p> <p>9 Q. So does that indicate there's some</p> <p>10 slight input?</p> <p>11 A. A little bit, yes.</p> <p>12 Usually, the -- the steering wheel</p> <p>13 -- steering wheel angle and degrees, usually</p> <p>14 a normal -- us driving down the road every</p> <p>15 day on the crown of the road, we're usually</p> <p>16 between negative 3 to 3 -- to positive 3, is</p> <p>17 what we're normally at.</p> <p>18 Q. What about the Stability Control</p> <p>19 Longitudinal Acceleration, it looks like that</p> <p>20 consistently hovers around the same number,</p> <p>21 negative 0.021.</p> <p>22 What does that mean to you?</p> <p>23 A. Let me look just back at the data</p>	<p style="text-align: right;">Page 52</p> <p>1 A. Yes.</p> <p>2 Q. How did you all figure out that it</p> <p>3 was not equipped with a readable ACM?</p> <p>4 A. We -- the system we use is called</p> <p>5 Bosch CDR and on that program on our computer</p> <p>6 we look up -- there's a list of all of the</p> <p>7 vehicles that are supported and it was not on</p> <p>8 there.</p> <p>9 Q. Do you know if it was due to the</p> <p>10 age of the vehicle?</p> <p>11 A. I do -- I don't know if it was the</p> <p>12 age or that particular model.</p> <p>13 Q. Do you recall if you personally</p> <p>14 interviewed any of the witnesses to the</p> <p>15 accident?</p> <p>16 There's statements -- handwritten</p> <p>17 statements are around page 147.</p> <p>18 A. No. I just used their statements</p> <p>19 that -- that were given to me.</p> <p>20 Q. Then, if you could, please turn to</p> <p>21 page 154.</p> <p>22 A. Okay.</p> <p>23 Q. The NIBRS Incident Report, can you</p>

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<p style="text-align: right;">Page 53</p> <p>1 tell me what this is, please?</p> <p>2 A. This is Trooper Matheson's Inci-</p> <p>3 dent Report on this collision and the DUI</p> <p>4 portion.</p> <p>5 Q. What -- do you know what "NIBRS"</p> <p>6 stands for?</p> <p>7 A. I do not know.</p> <p>8 Q. Have you filled out one of these</p> <p>9 reports, an NIBRS Incident Report?</p> <p>10 A. Well, they've -- they've just --</p> <p>11 they've changed this in the last several</p> <p>12 years since I've been on SCRT so I have not</p> <p>13 had the pleasure of completing when it's been</p> <p>14 named this.</p> <p>15 Q. Right. It looks like it's some-</p> <p>16 thing that maybe came out around 2021 is what</p> <p>17 -- when I looked it up.</p> <p>18 A. Yeah. So, yeah.</p> <p>19 Q. And you have not done one that's</p> <p>20 called this but you've done something similar</p> <p>21 to this before?</p> <p>22 A. Correct.</p> <p>23 Q. And is it -- is the purpose to --</p>	<p style="text-align: right;">Page 55</p> <p>1 bunch.</p> <p>2 Q. There are two animations that were</p> <p>3 produced as part of the SCRT file and then I</p> <p>4 also think also as part of the DA's file and</p> <p>5 I have them on my laptop. I can show them to</p> <p>6 you.</p> <p>7 They're called "Animation 1" and</p> <p>8 "Animation 2." We can take a look at them.</p> <p>9 I just want to ask you a couple of questions</p> <p>10 about one of them.</p> <p>11 A. Okay.</p> <p>12 Q. I'm going to play Animation 1 now.</p> <p>13 Can you -- can you see okay?</p> <p>14 A. Yes, I can.</p> <p>15 MS. FERGUSON: Tedra, do you want</p> <p>16 to --</p> <p>17 MS. CANNELLA: I've got it.</p> <p>18 Q. (By Ms. Ferguson) See that?</p> <p>19 A. Yes.</p> <p>20 Q. All right. Did you create this</p> <p>21 animation?</p> <p>22 A. Yes.</p> <p>23 Q. And what kind of software did you</p>
<p style="text-align: right;">Page 54</p> <p>1 to report to federal agencies on certain</p> <p>2 crimes?</p> <p>3 A. I think it has to do with the</p> <p>4 reporting.</p> <p>5 The one I filled out looks just --</p> <p>6 it's -- it's the same one, it's just named a</p> <p>7 different thing.</p> <p>8 Q. You -- you inspected Mr. Elliott's</p> <p>9 truck at some point in time after the acci-</p> <p>10 dent?</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall if there were beer</p> <p>13 cans in the truck?</p> <p>14 A. Yes.</p> <p>15 Q. Do you remember seeing a 12-pack</p> <p>16 in the truck?</p> <p>17 A. Yes.</p> <p>18 Q. I believe your colleague's report</p> <p>19 said there was in excess of 25 cans of beer</p> <p>20 in the truck -- open cans of beer in the</p> <p>21 truck at the scene of the accident.</p> <p>22 Do you recall that?</p> <p>23 A. I -- I do remember there was a</p>	<p style="text-align: right;">Page 56</p> <p>1 use to create it?</p> <p>2 A. FARO Zone.</p> <p>3 Q. I don't know if you can answer</p> <p>4 this. What kind of information did you need</p> <p>5 to plug in to the program to create this?</p> <p>6 MS. CANNELLA: You can answer but</p> <p>7 I think we need a spelling of FARO Zone.</p> <p>8 COURT REPORTER: Yeah, I don't</p> <p>9 know what you're saying. Thank you. Can you</p> <p>10 spell that?</p> <p>11 MS. CANNELLA: Do you want him to</p> <p>12 spell it?</p> <p>13 COURT REPORTER: Yes, please.</p> <p>14 THE WITNESS: F-A-R-O, Z-o-n-e.</p> <p>15 COURT REPORTER: Thank you.</p> <p>16 Q. (By Ms. Ferguson) What kind of</p> <p>17 information did you plug in to the software</p> <p>18 to generate this animation?</p> <p>19 A. I placed the -- my orthomosaic</p> <p>20 that I created off of the aerial photographs</p> <p>21 into FARO Zone. I then placed the exemplar</p> <p>22 vehicle, the Ford Escape at final rest at the</p> <p>23 -- at the red light. I then placed the truck</p>

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<p style="text-align: right;">Page 57</p> <p>1 at impact with the Ford Escape. I then took 2 the ACM data and I started at zero and I went 3 back to 5 seconds based on the -- the speed 4 he was going at each -- at each second and 5 how many -- how much -- how many feet per 6 second that was and I just backed him up. 7 I have since learned that you can 8 place the whole entire data into that system 9 and it'll do it automatically, the technology 10 has gotten better since then. 11 Q. So was this -- was this your first 12 time doing an animation like this? 13 A. Yes. 14 Q. So just a couple things. It's -- 15 they're not -- it's not nighttime conditions 16 in this animation; correct? 17 A. No. 18 Q. And then -- I'll play it one more 19 time but the -- the Animation 1 doesn't show 20 any of the crush damage; correct? 21 A. That's correct. 22 Q. So it's not meant to be an actual 23 reenactment of the accident?</p>	<p style="text-align: right;">Page 59</p> <p>1 depicted in here; correct? 2 A. No. 3 Q. Correct? 4 A. Oh, yes, correct. I'm sorry. 5 Q. Same thing, with the animation, as 6 far as any like street lights or businesses, 7 other vehicles on the road, none of that kind 8 of stuff is depicted here in the animation; 9 correct? 10 A. No. Yes, correct. 11 THE WITNESS: This battery is 12 running low on this computer. 13 VIDEOGRAPHER: The time is now 14 12:52 p.m. and we are off the record. 15 (Short recess.) 16 VIDEOGRAPHER: The time is now 17 12:53 and we are on the record. 18 Q. Trooper Phillips, I know you grew 19 up in Blairsville and then you work now in 20 the Calhoun area; correct? 21 A. Yes. 22 Q. Over the course of -- of your time 23 living in this area, I guess I would call it</p>
<p style="text-align: right;">Page 58</p> <p>1 A. Correct. 2 Q. Why did you create this? 3 A. Just to have -- it was new tech -- 4 new technology for us and I was just trying 5 to do this to -- for the DA's office and for 6 the jury to -- to see a, you know, depiction 7 of the collision. 8 Q. And then I'm going to open up 9 Animation 2. 10 Animation 2 is also done in date 11 -- daylight, not nighttime; right? 12 A. Yes. I don't understand why that 13 was. 14 Q. Similar question. No crush damage 15 is shown here; correct? 16 A. No. 17 Q. And, as far as like the vehicle's 18 motion as far as jerking, going up and down, 19 none of that kind of stuff is shown here; 20 correct? 21 A. Right. 22 Q. The actual motions that would've 23 happened in the real impact are not all</p>	<p style="text-align: right;">Page 60</p> <p>1 North Georgia. I don't know if you call it 2 North -- do you call it North Georgia, North- 3 west Georgia? 4 A. I just call it North Georgia. 5 Q. North Georgia. Okay. 6 Limiting it to your time in the 7 last 12, 13 years working as a trooper, have 8 you seen pickup trucks on the road with lift 9 kits that raise the vehicle above the origi- 10 nal height that they would come out of the -- 11 that they would be sold? 12 A. Yes. 13 Q. And then -- so, not just limiting 14 to your time work as a trooper but just over 15 the course of your life growing up in this 16 area, have you seen lifted trucks out on the 17 roadway? 18 A. Yes. 19 Q. How -- how often would you say you 20 see lifted trucks on the roadway? Is this a 21 daily occurrence, weekly occurrence? 22 A. It's probably daily. 23 Q. And would you say -- strike that.</p>

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<p style="text-align: right;">Page 61</p> <p>1 You're aware in this case that</p> <p>2 Mr. Elliott was driving a lifted F-250?</p> <p>3 A. Yes.</p> <p>4 Q. And I'm assuming that you've seen</p> <p>5 -- it's in the report if you want to flip to</p> <p>6 it -- that he was cited for driving a truck</p> <p>7 with a lifted suspension?</p> <p>8 A. Yes.</p> <p>9 Q. Have you ever cited anyone for</p> <p>10 driving a -- a lifted vehicle?</p> <p>11 A. No.</p> <p>12 Q. He was cited and I'll -- the code</p> <p>13 is OCGA-40-8-6. Are you aware of any other</p> <p>14 troopers besides Matheson in this case citing</p> <p>15 drivers for driving lifted vehicles?</p> <p>16 A. No.</p> <p>17 Q. Had you heard of Statute OCGA-40-</p> <p>18 8-6 prior to this case?</p> <p>19 A. Yeah, I was -- I was aware of it,</p> <p>20 yes.</p> <p>21 Q. If there's lifted trucks commonly</p> <p>22 on the road on I'd say a daily basis, do you</p> <p>23 know why officers don't cite drivers for</p>	<p style="text-align: right;">Page 63</p> <p>1 Q. How come you personally haven't</p> <p>2 ever written a ticket for someone driving a</p> <p>3 lifted truck under 40-8-6?</p> <p>4 A. I personally don't know how to</p> <p>5 measure to see what is stock, say, straight</p> <p>6 from the manufacturer from what is lifted any</p> <p>7 amount.</p> <p>8 Q. You wouldn't know how to make that</p> <p>9 determination?</p> <p>10 A. Yeah, I don't know how to measure</p> <p>11 that.</p> <p>12 MS. FERGUSON: Can we go off the</p> <p>13 record for just a second?</p> <p>14 VIDEOGRAPHER: The time is now</p> <p>15 12:58 p.m. and we are off the record.</p> <p>16 (Short recess.)</p> <p>17 VIDEOGRAPHER: The time is now</p> <p>18 1:00 o'clock p.m. and we are on the record.</p> <p>19 Q. I asked you a couple of questions</p> <p>20 just a second ago, Trooper Phillips, about</p> <p>21 why you hadn't written tickets previously</p> <p>22 for lifted vehicles under the Georgia Statue</p> <p>23 40-8-6 and I believe you said something about</p>
<p style="text-align: right;">Page 62</p> <p>1 driving lifted trucks?</p> <p>2 MS. CANNELLA: Object to the form</p> <p>3 of the question. Calls for speculation.</p> <p>4 A. I do not.</p> <p>5 Q. (By Ms. Ferguson) Have you ever</p> <p>6 read the Statute OCGA-40-8-6?</p> <p>7 A. Yes.</p> <p>8 Q. You have?</p> <p>9 A. Yes.</p> <p>10 Q. Have you been given any training</p> <p>11 on the statute and issuing citations related</p> <p>12 to it?</p> <p>13 A. As far as what kind of training?</p> <p>14 Q. Like was it covered? I think you</p> <p>15 talked about in your -- I don't know if it</p> <p>16 was the initial training to become a trooper</p> <p>17 but at some point they cover Title 40 and --</p> <p>18 and teach you about the different rules of</p> <p>19 the road and I guess things you can write</p> <p>20 tickets for.</p> <p>21 Was this statute ever covered in</p> <p>22 any of that training?</p> <p>23 A. Not that I recall.</p>	<p style="text-align: right;">Page 64</p> <p>1 you wouldn't know how to do the measurement</p> <p>2 of what the -- tell me what your answer was</p> <p>3 for that again.</p> <p>4 A. I would not know how the measure</p> <p>5 the -- say a lift or the suspension on the</p> <p>6 vehicle to determine whether it was factory</p> <p>7 stock or if it was illegal per the statute.</p> <p>8 Q. And so Georgia State Patrol SCRT</p> <p>9 Team, none of the law enforcement training</p> <p>10 that you've ever been provided teaches you</p> <p>11 how to enforce that statute and do the mea-</p> <p>12 surements that you need to be able to do?</p> <p>13 A. No.</p> <p>14 Q. It does not?</p> <p>15 A. No. I've never been through</p> <p>16 training to measure that.</p> <p>17 Q. Okay. And no one's ever given you</p> <p>18 instruct -- instructions around here, like in</p> <p>19 the field "Hey, this is how you do it, you</p> <p>20 need to write tickets for this"?</p> <p>21 A. No.</p> <p>22 Q. You would agree with what I said?</p> <p>23 A. Nobody has ever done that.</p>

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<p style="text-align: right;">Page 65</p> <p>1 Q. Okay. Got it. That -- that's all</p> <p>2 I have. Thank you for your time.</p> <p>3 MS. FERGUSON: Do you have any</p> <p>4 questions?</p> <p>5 MS. CANNELLA: Right. I'm going</p> <p>6 to just very briefly repeat a few things in</p> <p>7 case we need to use this for this trial. So</p> <p>8 apologize for that.</p> <p>9</p> <p>10 EXAMINATION BY MS. CANNELLA:</p> <p>11</p> <p>12 Q. Trooper, thank you for being here.</p> <p>13 I represent the family of the Brysons, as you</p> <p>14 know, and I have a few brief question; but,</p> <p>15 before we get going, can you please state</p> <p>16 your full name for the record and your</p> <p>17 position?</p> <p>18 A. It's Andrew Phillips and I am</p> <p>19 Trooper First Class 3 and I work for the</p> <p>20 Georgia Department of Public Safety and the</p> <p>21 Georgia State Patrol and I am assigned to the</p> <p>22 Specialized Collision Reconstruction Team</p> <p>23 here in Troop A out of Calhoun, Georgia.</p>	<p style="text-align: right;">Page 67</p> <p>1 Q. And how much did you do, how much</p> <p>2 time?</p> <p>3 A. About seven and a half years.</p> <p>4 Q. I'm going to tender you as an</p> <p>5 expert in the field of accident reconstruc-</p> <p>6 tion.</p> <p>7 MS. CANNELLA: Any objection to</p> <p>8 that?</p> <p>9 MS. FERGUSON: I think certain</p> <p>10 areas he certainly is qualified. We will</p> <p>11 reserve objections to anything -- I mean, I</p> <p>12 don't know what all you're going to ask him</p> <p>13 and, if you go beyond the scope, then we may</p> <p>14 object to that; but I -- I can't predict what</p> <p>15 you're going to ask him so I'll raise my ob-</p> <p>16 jections as you go if I feel there's some-</p> <p>17 thing that's outside of his area of exper-</p> <p>18 tise.</p> <p>19 MS. CANNELLA: Okay. Great.</p> <p>20 Q. Did Hunter Elliott begin -- let me</p> <p>21 rephrase that. Strike that. I'm sorry.</p> <p>22 Did Hunter Elliott's being drunk</p> <p>23 change the height of the lift on his car?</p>
<p style="text-align: right;">Page 66</p> <p>1 Q. And your position on the -- the --</p> <p>2 can I call it the SCRT Team?</p> <p>3 A. Yeah, SCRT -- SCRT Team. We call</p> <p>4 it "SCRT" for short, yes.</p> <p>5 Q. Do you have specialized training</p> <p>6 related to your investigation of crashes as</p> <p>7 part of your position on the SCRT Team?</p> <p>8 A. Yes.</p> <p>9 Q. And would you consider yourself an</p> <p>10 expert on recreating crashes?</p> <p>11 A. Yes.</p> <p>12 Q. How much law enforcement work for</p> <p>13 the Georgia State Patrol did you do before</p> <p>14 you joined the SCRT Team?</p> <p>15 MS. FERGUSON: Object to the form</p> <p>16 of the question.</p> <p>17 A. Say that one more time or ask me</p> <p>18 that one more time.</p> <p>19 Q. (By Ms. Cannella) Let me rephrase.</p> <p>20 Did you do any work on the Georgia</p> <p>21 State Patrol Force before you joined the</p> <p>22 specialized SCRT Team?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 68</p> <p>1 A. No.</p> <p>2 Q. Did Hunter Elliott being drunk</p> <p>3 change the height of his F-250 in any way?</p> <p>4 A. No.</p> <p>5 Q. Did the fact that Hunter Elliott</p> <p>6 was drunk change the amount of intrusion in</p> <p>7 -- that was caused in this wreck into the</p> <p>8 Bryson's vehicle?</p> <p>9 MS. FERGUSON: Object to the form</p> <p>10 of the question.</p> <p>11 A. I still answer; right?</p> <p>12 Q. (By Ms. Cannella) Yes.</p> <p>13 A. You said him being drunk changed</p> <p>14 the intrusion of the collision? No.</p> <p>15 MS. FERGUSON: Same objection.</p> <p>16 Q. (By Ms. Cannella) And, once the</p> <p>17 crash began, did the fact that Hunter Elliott</p> <p>18 was intoxicated or distracted or driving on</p> <p>19 a suspended license, did any of those facts</p> <p>20 affect the crash performance of either</p> <p>21 vehicle in the wreck?</p> <p>22 MS. FERGUSON: Object to the form</p> <p>23 of the question.</p>

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<p style="text-align: right;">Page 69</p> <p>1 A. No.</p> <p>2 Q. (By Ms. Cannella) In your report,</p> <p>3 you note that the coll -- a collision can be</p> <p>4 caused by one of three things.</p> <p>5 Can you tell the jury what those</p> <p>6 -- and, if I'm misphrasing it, I'm sorry; but</p> <p>7 you mention in your report three things that</p> <p>8 you have too consider, perhaps is a better</p> <p>9 way to say it, when you investigate. Can you</p> <p>10 tell the jury what those three things are?</p> <p>11 A. It's the roadway, the vehicle, and</p> <p>12 the human factors.</p> <p>13 Q. And in some cases can the roadway</p> <p>14 contribute to a wreck?</p> <p>15 A. Yes. Some -- some ways they can,</p> <p>16 yes.</p> <p>17 Q. Well, can you give us a couple of</p> <p>18 examples of that perhaps?</p> <p>19 A. I mean, if there was -- we call</p> <p>20 them up here -- in North Georgia we call them</p> <p>21 potholes where there's roads -- or there's a</p> <p>22 hole in the road, I guess you'd say; or, if</p> <p>23 somebody was to run off a shoulder that was</p>	<p style="text-align: right;">Page 71</p> <p>1 attack, for example?</p> <p>2 A. That would be under human factor.</p> <p>3 Q. And how about if a deer crossed</p> <p>4 the road?</p> <p>5 A. That would be a human factor as</p> <p>6 well.</p> <p>7 Q. And all of those things -- would</p> <p>8 you agree all of those things can contribute</p> <p>9 to a -- a collision occurring?</p> <p>10 A. They can, yes.</p> <p>11 MS. CANNELLA: We can take one</p> <p>12 pause for the videographer.</p> <p>13 VIDEOGRAPHER: The time is now</p> <p>14 1:07 p.m. and we are off the record.</p> <p>15 (Short recess.)</p> <p>16 VIDEOGRAPHER: The time is now</p> <p>17 1:09 p.m. and we are on the record.</p> <p>18 Q. Would you agree that passengers</p> <p>19 in vehicles need protection from crashes no</p> <p>20 matter what causes them?</p> <p>21 A. Yes.</p> <p>22 MS. FERGUSON: Object to the form</p> <p>23 of the question.</p>
<p style="text-align: right;">Page 70</p> <p>1 not properly maintained, that could be a</p> <p>2 contributing factor maybe.</p> <p>3 Q. Maybe if there was a sharp curve</p> <p>4 and someone couldn't see, you know, traffic</p> <p>5 stopped ahead of them or something like that,</p> <p>6 would that be considered a roadway contribut-</p> <p>7 ing factor?</p> <p>8 A. Yeah, depending on the distance</p> <p>9 versus, you know, as far as where a driveway</p> <p>10 is located or a -- a road -- road is located</p> <p>11 as far as how much sight distance that they</p> <p>12 allowed on the roadway.</p> <p>13 Q. What if the sun was in someone's</p> <p>14 eyes, would that follow under one of those</p> <p>15 three categories?</p> <p>16 A. I think that would -- that would</p> <p>17 really fall under the human factors maybe.</p> <p>18 Q. What if someone's brakes weren't</p> <p>19 working properly, would that be one of those</p> <p>20 factors?</p> <p>21 A. Yeah, that would be under the</p> <p>22 vehicle element.</p> <p>23 Q. And what if somebody had a heart</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. (By Ms. Cannella) Let me rephrase</p> <p>2 it then since there was an objection.</p> <p>3 Do you agree that -- or do passen-</p> <p>4 gers need -- do passengers need protection</p> <p>5 from crashes no matter what causes them?</p> <p>6 A. Yes.</p> <p>7 MS. FERGUSON: Same objection --</p> <p>8 or different objection. Object to the form,</p> <p>9 foundation.</p> <p>10 Q. (By Ms. Cannella) I'm going to</p> <p>11 show you a picture from the items that we got</p> <p>12 from the SCRT Team and I don't have a print-</p> <p>13 out of it but it's Image 1069.</p> <p>14 Can you see it there?</p> <p>15 MS. CANNELLA: And I'll E-mail it</p> <p>16 to the court reporter so we have it in the</p> <p>17 record.</p> <p>18 A. Yes.</p> <p>19 Q. Okay. I'm going to mark this as</p> <p>20 Plaintiff's Exhibit 1.</p> <p>21 Do you recognize this photograph?</p> <p>22 (Plaintiff's Exhibit Number 1 was</p> <p>23 marked for identification.)</p>

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<p style="text-align: right;">Page 73</p> <p>1 A. Yes.</p> <p>2 Q. Does it represent -- accurately</p> <p>3 represent what you saw when you did your</p> <p>4 inspection of the Bryson vehicle?</p> <p>5 A. Yes.</p> <p>6 Q. Can you describe the intrusion in</p> <p>7 the back of the vehicle?</p> <p>8 MS. FERGUSON: Object to founda-</p> <p>9 tion. Qualification. Subject to that.</p> <p>10 A. This is the -- a photograph of the</p> <p>11 rear end of the Ford Escape and it shows the</p> <p>12 damage that was -- that it sustained during</p> <p>13 the collision.</p> <p>14 This is where the F-250 impacted</p> <p>15 the -- the Ford Escape in the rear end.</p> <p>16 Q. (By Ms. Cannella) And, on the left</p> <p>17 side of the vehicle, can you -- can you tell</p> <p>18 how far -- relative to the tire, how far the</p> <p>19 intrusion goes in?</p> <p>20 MS. FERGUSON: Object to the form.</p> <p>21 Foundation. Qualification.</p> <p>22 A. Yeah, the intrusion does go over</p> <p>23 top of the left -- or the -- yeah, the left</p>	<p style="text-align: right;">Page 75</p> <p>1 MS. FERGUSON: Object to the form.</p> <p>2 Foundation. Qualification.</p> <p>3 A. From crash intrusion.</p> <p>4 Q. (By Ms. Cannella) You testified</p> <p>5 earlier that it's -- it was your conclusion</p> <p>6 that Hunter Elliott caused the death of Cohen</p> <p>7 Bryson and my question about that is: Did</p> <p>8 you personally do any biomechanic assessment</p> <p>9 or other type of assessment to determine</p> <p>10 whether Cohen could have survived if the</p> <p>11 intrusion had not been so severe in the Ford</p> <p>12 Escape?</p> <p>13 A. No.</p> <p>14 Q. You don't have an opinion on that?</p> <p>15 A. No.</p> <p>16 Q. Okay. I want to ask you about the</p> <p>17 difference between impact speed and Delta-V.</p> <p>18 Can you explain to the jury what</p> <p>19 the difference between those things are just</p> <p>20 generally?</p> <p>21 A. Let me get to the --</p> <p>22 Q. It might be page 76 that you're</p> <p>23 looking for.</p>
<p style="text-align: right;">Page 74</p> <p>1 rear tire.</p> <p>2 Q. (By Ms. Cannella) I want to show</p> <p>3 you one other photo and that is 1075 from the</p> <p>4 same group of photos we got from SCRT.</p> <p>5 Can you see that?</p> <p>6 A. Yes.</p> <p>7 MS. FERGUSON: Are you going to</p> <p>8 mark this as P2 or Composite 2?</p> <p>9 MS. CANNELLA: Yeah, Plaintiff's</p> <p>10 2.</p> <p>11 Q. Can you see that?</p> <p>12 (Plaintiff's Exhibit Number 2 was</p> <p>13 marked for identification.)</p> <p>14 A. Yes.</p> <p>15 Q. How would you characterize what's</p> <p>16 happening with the bench seat there?</p> <p>17 MS. FERGUSON: Let me objection.</p> <p>18 Qualification. Foundation.</p> <p>19 A. That it was -- it's moved forward.</p> <p>20 Q. (By Ms. Cannella) And is it -- is</p> <p>21 that moved forward in like it was slid up or</p> <p>22 it was more from crash intrusion?</p> <p>23 A. From --</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Yes, I think it is. Let me just</p> <p>2 double check.</p> <p>3 Yes, 76 is where it shows the --</p> <p>4 the maximum Delta-V in longitudinal direction</p> <p>5 in miles an hour is what -- it's first using</p> <p>6 Delta-V and then in parentheses it's in miles</p> <p>7 an hour.</p> <p>8 Q. And, just for people who aren't</p> <p>9 familiar with the difference between impact</p> <p>10 speed and a Delta-V, can you kind of explain</p> <p>11 what that means?</p> <p>12 A. I can try. I may confuse myself</p> <p>13 and you, too.</p> <p>14 The miles an hour is -- it is what</p> <p>15 it is, it's miles an hour; and the Delta-V is</p> <p>16 basically the force that -- the amount of</p> <p>17 force it had in Delta-V standards as far as</p> <p>18 there.</p> <p>19 Q. Okay.</p> <p>20 A. And the -- in the longitudinal</p> <p>21 direction. The --</p> <p>22 Q. Well, let me ask it differently,</p> <p>23 too. You testified that the Ford F-250 -- I</p>

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<p style="text-align: right;">Page 77</p> <p>1 don't want to mischaracterize it but; I think 2 you said, upon impact, he was going 50 miles 3 and hour; right? 4 A. Yes. 5 Q. And the Delta-V longitudinally 6 forward and backward, the direction the car 7 is traveling in, what is the Delta-V in the 8 case? 9 A. The maximum Delta-V that the truck 10 had was a negative 18.21. 11 Q. So, if he's going 50 miles an hour 12 but his Delta-V for or his change in force is 13 18 miles an hour, why are those numbers so 14 different? 15 MS. FERGUSON: Object to the form. 16 Foundation. 17 Q. (By Ms. Cannella) If you know. 18 A. I do not know that. 19 Q. Okay. Did you guys do anything to 20 determine what the impact of the tire size 21 had on impact speed? 22 A. I did not. 23 Q. Okay. And would tire size impact</p>	<p style="text-align: right;">Page 79</p> <p>1 why that is. 2 Q. In your experience investigating 3 those thousands of crashes that you talked 4 about earlier -- well, let me ask that a 5 different way. 6 Do you have experience investigat- 7 ing thousands of crashes? 8 A. Yes. 9 Q. And, base on what you see given 10 the speeds in the wreck and the direction of 11 the wreck being a frontal collision, would 12 you expect the -- the F-250's airbag to have 13 deployed? 14 MS. FERGUSON: Object to the form 15 of the question. 16 A. Yes. 17 Q. (By Ms. Cannella) I wanted to 18 touch on one other thing just to make sure 19 the record is right. 20 You talked about how frequently 21 the black box or airbag control module takes 22 readings on what's going on in the car being 23 every half a second.</p>
<p style="text-align: right;">Page 78</p> <p>1 a Delta-V reading at all, do you know? 2 MS. FERGUSON: Object to the form. 3 Foundation. 4 A. I do not know that. 5 Q. (By Ms. Cannella) Do you know why 6 there was no airbag deployment in the F-250? 7 A. No; other than it, you know, did 8 not get those sensors that were in the front 9 that controls that. 10 Q. Okay. 11 A. That's my only explanation on 12 that. 13 Q. So can you talk a little bit more 14 about that? Why -- what are the sensors? 15 A. There's -- there's sensors in the 16 front -- in the front of vehicles that, when 17 those sensors are alerted or impacted however 18 they are, it alerts the airbag control module 19 to say there's a significant enough event 20 that we need to deploy these airbags and, in 21 this particular case, it did not happen. 22 Q. Okay. 23 A. And I do not -- I can't explain</p>	<p style="text-align: right;">Page 80</p> <p>1 Do you recall that? 2 A. Yes. 3 Q. Let's get to that page so we can 4 talk about it together. 5 Can you see the braking point? 6 A. 78. 7 Q. Thank you, sir. 8 All right. So it's got the -- the 9 brake is on at 0 and off at .5. So I think I 10 heard you correctly to say that it can be on 11 at .499 and any time before that -- or any 12 time closer to the wreck from that? 13 A. Correct. 14 Q. Okay. Got it. 15 A. Yeah, any -- any time between .5 16 and .0 is when that brake went on. 17 Q. Right. So we're just getting like 18 a snapshot picture of these different points 19 in time? 20 A. Yes. 21 Q. Okay. In your role as a SCRT Team 22 member, is pulling over drivers for moving 23 violations something you typically do or are</p>

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<p style="text-align: right;">Page 81</p> <p>1 you primarily doing investigations of fatal-</p> <p>2 ity in a serious collision?</p> <p>3 A. As a SCRT officer?</p> <p>4 Q. Yes, sir.</p> <p>5 A. Mainly just doing investigating</p> <p>6 collisions.</p> <p>7 Q. Okay. Do you do reviews of other</p> <p>8 trooper's citations to know whether they are</p> <p>9 writing citations for certain types of</p> <p>10 tickets or not?</p> <p>11 A. No.</p> <p>12 Q. After a wreck occurs and vehicles</p> <p>13 are being moved, items that were in the car</p> <p>14 that get jostled around or thrown out of the</p> <p>15 car, what do troopers or what do investiga-</p> <p>16 tors usually do with those?</p> <p>17 A. You talking about --</p> <p>18 Q. Like personal items. Like in this</p> <p>19 case there was a stroller and bag of clothes</p> <p>20 and that kind of thing.</p> <p>21 If those things get moved around</p> <p>22 or thrown out of the car, what do people do</p> <p>23 with those?</p>	<p style="text-align: right;">Page 83</p> <p>1 A. That it was installed correctly.</p> <p>2 Q. Was it -- was it secured tightly</p> <p>3 in the vehicle?</p> <p>4 A. Yes.</p> <p>5 Q. That's reflected in your report at</p> <p>6 page 112 I believe. You noted it was both</p> <p>7 properly positioned and properly secured; is</p> <p>8 that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And it has an expiration date for</p> <p>11 the child restraint. What did you note that</p> <p>12 was?</p> <p>13 A. 2028.</p> <p>14 Q. So the child restraint was -- was</p> <p>15 not expired either; correct?</p> <p>16 A. Correct.</p> <p>17 Q. And it was forward facing. Is</p> <p>18 that appropriate for the situation in your</p> <p>19 opinion?</p> <p>20 A. Yes.</p> <p>21 MS. CANNELLA: That's all I have.</p> <p>22 Thank you.</p> <p>23 MS. FERGUSON: I may have just a</p>
<p style="text-align: right;">Page 82</p> <p>1 A. Usually it's put in --</p> <p>2 MS. FERGUSON: Object to the form.</p> <p>3 Calls for speculation.</p> <p>4 A. Usually, you know, the tow truck</p> <p>5 drivers, they'll put it in whichever vehicle</p> <p>6 that is close by to where they're scooping it</p> <p>7 up.</p> <p>8 You know, it may end up -- in --</p> <p>9 in this case, it might've ended up in the --</p> <p>10 it could end up in the truck, the bed of the</p> <p>11 truck; or it could've ended up in the Ford</p> <p>12 Escape. It just -- it just depends on what</p> <p>13 the -- which one the wrecker driver puts it</p> <p>14 in.</p> <p>15 Q. (By Ms. Cannella) Do you have any</p> <p>16 experience or training in assessing whether a</p> <p>17 car seat is properly installed?</p> <p>18 A. Yes.</p> <p>19 Q. Did you make that determination</p> <p>20 in this case, whether Cohen's car seat was</p> <p>21 properly installed?</p> <p>22 A. Yes.</p> <p>23 Q. And what's your opinion on that?</p>	<p style="text-align: right;">Page 84</p> <p>1 couple of follow-up questions.</p> <p>2</p> <p>3 FURTHER EXAMINATION BY MS. FERGUSON:</p> <p>4</p> <p>5 Q. Troop Phillips, you were just</p> <p>6 asked some questions and shown some photos</p> <p>7 about the extent of intrusion over the left</p> <p>8 rear tire of the Escape.</p> <p>9 Do you recall those questions?</p> <p>10 A. Yes.</p> <p>11 Q. Did you actually take any measure-</p> <p>12 ments related to any intrusion that may have</p> <p>13 occurred over the left rear tire?</p> <p>14 A. No.</p> <p>15 Q. Did you do any analysis related to</p> <p>16 the extent or degree of intrusion that may or</p> <p>17 may not have occurred with regard to the F-</p> <p>18 250 and the Escape?</p> <p>19 MS. CANNELLA: Object to the form</p> <p>20 of the question. Vague.</p> <p>21 A. No.</p> <p>22 Q. (By Ms. Ferguson) And, with regard</p> <p>23 to you were shown SCRT Photo 1075 Plaintiff's</p>

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<p style="text-align: right;">Page 85</p> <p>1 2 and you were asked some questions about the 2 bench seat and whether it moved forward due 3 to crash intrusion, did you personally take 4 any measurements or do any kind of analysis 5 when you inspected the vehicle to determine 6 whether the -- the bench was moved forward 7 from intrusion and, if so, the extent it was 8 moved forward? 9 A. No. 10 Q. And so was your testimony earlier 11 about intrusion, was it -- was it based sole- 12 ly on looking at the photos that were taken 13 at the inspection facility at some point in 14 time after the night of the crash? 15 A. Yes. 16 Q. Do you have any information about 17 what was stored in the cargo area of the Ford 18 Escape at the time of the collision? 19 A. (Inaudible) about the only thing 20 that I can recall was maybe a stroller in the 21 back. That's about the only thing I -- I do 22 -- I do know that they did have a lot of, you 23 know, like -- it looked like to me that they</p>	<p style="text-align: right;">Page 87</p> <p>1 with a PXT file and not synced and I'll take 2 the video as well. 3 MS. FERGUSON: I'll take the same 4 thing. 5 6 --o0o-- 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>
<p style="text-align: right;">Page 86</p> <p>1 were moving at the time. 2 Q. Do you recall there being a -- a 3 Shopvac somewhere in the vehicle contexts -- 4 contents; right? 5 A. It could've been. I would have to 6 look at the -- look back at the photos to -- 7 to be 100 percent certain on what was in the 8 back. 9 MS. FERGUSON: I don't have any 10 other questions. Thank you. 11 MS. CANNELLA: I don't have any 12 other question either. 13 VIDEOGRAPHER: This concludes this 14 Vide Deposition. The time is now 1:25 p.m. 15 and we are off the record. 16 MS. CANNELLA: Are you going to 17 read and sign? 18 THE WITNESS: No, I'll waive. 19 MS. CANNELLA: Okay. He's going 20 to waive the read and sign. 21 COURT REPORTER: I need to get the 22 exhibits and the transcript orders, please. 23 MS. CANNELLA: I need a transcript</p>	<p style="text-align: right;">Page 88</p> <p>1 CERTIFICATE 2 STATE OF ALABAMA) 3 4 COUNTY OF JEFFERSON) 5 6 I hereby certify that the above and foregoing 7 deposition was taken down by me in stenotype and the questions 8 and answers thereto were transcribed by means of 9 computer-aided transcription, and that the foregoing 10 represents a true and correct transcript of the testimony 11 given by and witness upon said hearing. 12 I further certify that I am neither of counsel, nor 13 kin to the parties to the action, nor am I in anyway 14 interested in the result of said cause named in said caption. 15 I further certify that I am duly licensed by the 16 Alabama Board of Court Reporting as a Certified Court Reporter 17 evidenced by the CCR number following my name below. 18 19 <i>Susan Bell</i> 20 Susan Bell, Commissioner 21 Certified Court Reporter 22 CCR#14-Expires: 9/30/23 23 Commission Expires: 10/24</p>